

REMARKS

In the Office Action, the Examiner rejected claim 6 under 35 USC §112, rejected claims 43, 45, and 47 under 35 § USC 101, rejected claims 1-3, 5-10, 12-16, 21-27, 29, 31-37, 39, and 42-48 under 35 USC §102, and rejected claims 4, 11, 17-18, 20, 28, 30, 38, 40-41 under 35 USC §103. The rejections are fully traversed below. The claims have been amended to correct minor informalities and to further clarify the subject matter regarded as the invention. Claims 4, 11, 28, and 38 have been cancelled. Claims 1-3, 5-10, 12-27, 29-37, and 39-48 are now pending.

In response to the rejection of claim 43 under 35 USC 101, Applicant respectfully asserts that claim 43 meets the requirements of a means plus function claim set forth in the MPEP. Accordingly, respectfully requests that the Examiner withdraw the rejection of claim 43 under 35 USC 101.

Reconsideration of the application is respectfully requested based on the following remarks.

REJECTION OF CLAIMS UNDER 35 USC §102

In the Office Action, the Examiner has rejected claims 1-3, 5-10, 12-16, 21-27, 29, 31-37, 39, and 42-48 under 35 USC §102 as being anticipated by Madour et al, U.S. Patent No. 6,970,693, ('Madour' hereinafter). This rejection is fully traversed below.

Claim 1, as amended, recites:

In a PDSN, a method of releasing resources, comprising:

 sending an access request message to a first AAA server for authentication of a node;
 receiving an access accept message from the first AAA server;
 establishing a Mobile IP session as a Foreign Agent for the node when an access accept message is received from the first AAA server;
 storing information associated with the node in resources associated with the PDSN;
 receiving a disconnect request message; and
 releasing the resources when the disconnect request message is received;
 wherein the resources comprise memory and the information comprises PPP information associated with a PPP session.

Madour does disclose a system including a Packet Data Serving Node (PDSN). However, Applicant respectfully submits that Madour fails to disclose a PDSN that performs each of the claimed steps. More particularly, Applicant respectfully submits that Madour fails to disclose or suggest "releasing the resources when the disconnect request message is received."

In the rejection, the Examiner asserts that Madour discloses a PDSN receiving a disconnect request message, citing FIG. 5, item 526. However, it is important to note that FIG. 5 only illustrates steps performed by the Home Agent (HA) and Home AAA server (HAAA). FIG. 5 does not disclose steps performed by the PDSN. While the Examiner cites item 526 of FIG. 5, this item merely illustrates “Allocation of Quota 2; Account is Depleted,” wherein item 526 is shown in association with the HAAA. There is no indication that the HAAA sends a disconnect request message to the PDSN at step 526, as suggested by the Examiner. In no manner does Madour show or suggest the receiving of a disconnect request message or, more particularly, the receiving of a disconnect request message by a PDSN. Accordingly, Applicant respectfully submits that Madour fails to disclose or suggest a PDSN receiving a disconnect request message.

The Examiner further asserts that Madour discloses a PDSN that releases the resources when the disconnect request message is received, citing col. 3, line 63 – col. 4, line 4. Col. 3, line 63 – col. 4, line 4 of Madour discloses that “the PDSN signals.....with a Session Termination Capability (STC) parameter indicative of the ability of the serving PDSN to disconnect data sessions based on a request provided by a remote authorized node, such as a Home Agent (HA) or the HAAA/PPS.” Again, as set forth above, FIG. 5 neither discloses nor suggests steps performed by the PDSN. Even if Madour does disclose the receiving of a PDSN of a disconnect request message, Applicant respectfully asserts that the cited segment of Madour neither discloses nor suggests releasing resources when a disconnect request message is received. Moreover, Applicant respectfully asserts that Madour fails to disclose or suggest the claimed method where the resources include memory and the information includes PPP information associated with a PPP session. Accordingly, Applicant respectfully submits that Madour fails to anticipate the pending claims.

REJECTION OF CLAIMS UNDER 35 USC §103

In the Office Action, the Examiner has rejected claims 4, 11, 28, and 38 under 35 USC §103 as being unpatentable over Madour in view of Grabelsky, U.S. Publication No. 2004/0003046, ('Grabelsky' hereinafter). This rejection is fully traversed below.

The Examiner admits that Madour fails to disclose wherein the resources comprise memory and the information comprises PPP information associated with a PPP session. The Examiner seeks to cure the deficiencies of Madour with Grabelsky, citing paragraph [0093].

Applicant respectfully submits that Grabelsky fails to cure the deficiencies of Madour. While paragraph [0093] does discuss a PPP session, Grabelsky fails to disclose or suggest the storing of information including PPP information associated with a PPP session in resources (e.g., memory), where those resources are released when a disconnect request message is received. It is also important to note that neither of the cited references, separately or in combination, discloses or suggests the lack of resource management at the PDSN.

As described in the Background section of Applicant's specification:

“As the mobile node moves from one foreign domain serviced by a PDSN (source PDSN), shown here as PDSN 204, to another PDSN (target PDSN), shown here as PDSN 206, during an inter-PDSN hand-off, a new PPP session is established at the target PDSN. Specifically, when the node moves or the Mobile Node 216 roams such that the PDSN 206 initiates a second PPP session, PPP state information is stored at the target PDSN 206. Thus, the first PDSN 204 no longer needs to store the PPP state information. Unfortunately, the first PDSN 204 does not release its PPP resources until the PPP session timer has expired. Since the timer may be set to a long value, for example it may expire as much as several

hours after the node or mobile node has moved to another PDSN, the PPP state information may be unnecessarily stored by the first PDSN 204 during this time. Maintaining these PPP sessions and associated resources may consume valuable resources at the source PDSN that could otherwise be used to support additional mobile nodes. Since the resources available at the PDSN 204 are limited, this reduces the number of sessions the PDSN 204 can handle.”

Neither of the cited references, separately or in combination, discloses or suggests the shortcomings of the prior art identified in the Background section of Applicant’s specification. Similarly, neither of the cited references, separately or in combination discloses or suggests a solution to this problem. It is also important to note that the combination of the cited references would fail to operate as claimed. Accordingly, Applicant respectfully submits that the pending claims are patentable over the cited references.

In the Office Action, the Examiner has rejected claims 17, 30, and 40 under 35 USC §103 as being unpatentable over Madour in view of Shaked et al, U.S. Publication No. 2002/0007411, (‘Shaked’ hereinafter). This rejection is fully traversed below.

The Examiner admits that Madour fails to disclose a PDSN sending a disconnect acknowledgement message to the second AAA server, the disconnect acknowledgement message indicating that the PDSN has successfully disconnected the user. The Examiner seeks to cure the deficiencies of Madour with Shaked, citing paragraphs [0091] and [0092].

Applicant respectfully submits that Shaked fails to cure the deficiencies of Madour. Paragraphs [0091] and [0092] disclose disconnect events, but fail to disclose or suggest a PDSN sending a disconnect acknowledgement message indicating that the PDSN has

successfully disconnected the user. As such, Applicant respectfully submits that the combination of the cited references would fail to achieve the desired result. Accordingly, Applicant respectfully asserts that claims 17, 30, and 40 are patentable over the cited references.

In the Office Action, the Examiner has rejected claims 18, 20, and 41 under 35 USC §103 as being unpatentable over Madour in view of Moller et al, U.S. Publication No. 2003/0028598, ('Moller' hereinafter). This rejection is fully traversed below.

The Examiner admits that Madour fails to disclose sending a disconnect non-acknowledgement message indicating that the PDSN is unable to disconnect the user. The Examiner seeks to cure the deficiencies of Madour with Moller, citing paragraphs [0090] and [0091].

Applicant respectfully submits that Moller fails to cure the deficiencies the deficiencies of Madour. While paragraph [0090] discloses a "NACK" message, Moller fails to disclose or suggest a PDSN sending a disconnect non-acknowledgement message indicating that the PDSN is unable to disconnect the user. As such, Applicant respectfully submits that Moller fails to cure the deficiencies of Madour. Accordingly, Applicant respectfully submits that claims 18, 20, and 41 are patentable over the cited references.

In view of the above, Applicants respectfully submit that the independent claims are patentable over the cited art. The dependent claims depend from one of the independent claims and are therefore patentable for at least the same reasons. However, the dependent claims recite additional limitations that further distinguish them from the cited references. The additional limitations recited in the independent claims or the dependent claims are not

further discussed, as the above discussed limitations are clearly sufficient to distinguish the claimed invention from the cited references. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §102 and 35 USC §103(a).

SUMMARY

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. CISC326).

Respectfully submitted,
BEYER WEAVER LLP

/Elise R. Heilbrunn/
Elise R. Heilbrunn
Reg. No. 42,649

BEYER WEAVER LLP
P.O. Box 70250
Oakland, CA 94612-0250
Tel: (510) 663-1100